

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SALLIE SHANNON CHAPMAN,

Plaintiffs,

vs.

FERTITTA ENTERTAINMENT, INC., *et al.*,

Defendants.

Case No. 2:15-cv-01944-JAD-GWF

**ORDER**

This matter is before the Court on Defendants' Motion for Leave to File Exhibit 4 to Their Motion for Summary Judgment Under Seal (ECF No. 37), filed on November 9, 2016.

There is generally "a strong presumption in favor of access to court records." *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). Where a petitioner seeks to seal documents or exhibits that are dispositive in nature, the petitioner must meet the higher standard of showing "compelling reasons" for the documents to be sealed. *Pintos v. Pac. Creditors Ass'n*, 565 F.3d 1106, 1115 n. 4 (9th Cir.2009); *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir.2006). The Court applies the higher "compelling reasons" standard to dispositive motions, rather than the "good cause" standard, because "the resolution of a dispute on the merits, whether by trial or summary judgment, is at the heart of the interest in ensuring the 'public's understanding of the judicial process and of significant public events.'" *Dish Network L.L. C. v. Sonicview USA, Inc.*, 2009 WL 2224596, \*6 (S.D.Cal. July 23,2009) (citing *Kamakana*, 447 F.3d at 1179).

To meet the compelling reasons standard, the moving party "must overcome a strong presumption of access by showing that compelling reasons supported by specific factual findings outweigh the general history of access and the public policies favoring disclosure." *Dish Network L.L.C.*, 2009 WL 2224596 at \*7 (citing *Pintos*, 565 F.3d at 1116); *see also Kamakana*, 447 F.3d at

1 1179–80. “Under the ‘compelling reasons’ standard, a district court must weigh relevant factors, base  
2 its decision on a compelling reason, and articulate a factual basis for its ruling without relying on  
3 hypothesis or conjecture.” *Id.* “Relevant factors include the public interest in understanding the  
4 judicial process and whether disclosure of the material could result in improper use of the material for  
5 scandalous or libelous purposes or infringement upon trade secrets.” *Id.*

6 Defendants request leave to file Exhibit 4 to their Motion for Summary Judgment (ECF No. 36)  
7 under seal because it contains “confidential and proprietary business information concerning the  
8 methods and manner in which it issues complimentary (“comps”) goods and services to certain guests  
9 of the Golden Nugget.” *Motion* (ECF No. 37), 2:21–24. Upon review, the Court finds that Defendants  
10 have provided sufficient compelling reasons to justify an order from the Court allowing Defendants to  
11 file Exhibit 4 to their Motion for Summary Judgment under seal. Accordingly,

12 **IT IS HEREBY ORDERED** that Defendants’ Motion for Leave to File Exhibit 4 to Their  
13 Motion for Summary Judgment Under Seal (ECF No. 37) is **granted**.

14 DATED this 10th day of November, 2016.

15  
16   
17 GEORGE FOLEY, JR.  
18 United States Magistrate Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28